

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SAFETY INSURANCE COMPANY)	
)	CIVIL ACTION NO. 05-10181-RWZ
Plaintiff)	
)	
v.)	
)	
UNITED STATES OF AMERICA)	
)	
Defendant)	
)	

ANSWER

1. The United States is without knowledge or information sufficient to form a belief as to the truth of the allegations of plaintiff's type of business or business location. Admit Hanscom AFB is in the Commonwealth of Massachusetts.
2. The allegations of this paragraph are denied.
3. The defendant is without sufficient information to admit or deny. However, insofar as an answer is required, deny.
4. The defendant is without sufficient knowledge to admit or deny. However, insofar as an answer is required, deny.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The defendant violated no actionable duty owed to the plaintiff.

Second Affirmative Defense

The plaintiff's damages were solely the result of their insured's negligence.

Third Affirmative Defense

In the event the Court finds the defendant negligent, which negligence the defendant denies, the negligent of the plaintiff's insured contributed to the damages being alleged and, therefore, any recovery must be proportionally reduced.

Fourth Affirmative Defense

In accordance with 28 U.S.C. § 2675(b), the plaintiff's damages, if any, are limited to the amount of the sum certain demanded in the administrative claim.

Fifth Affirmative Defense

The plaintiff is not entitled to a jury trial. See 28 U.S.C. § 2402.

Sixth Affirmative Defense

The plaintiff is not entitled to pre-judgment interest. See 28 U.S.C. § 2675.

Seventh Affirmative Defense

Attorney fees are only recoverable as part of a judgment and not in addition thereto. See 28 U.S.C. § 2678.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

April 11, 2005

By: /s/ Christopher Alberto
Christopher Alberto
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CERTIFICATE OF SERVICE

I certify that on this day a true copy of the Answer was served by first class mail, postage prepaid, upon the plaintiff's attorney, Thomas S. Francis, Esq., 7 Liberty Square, Boston, MA 02109.

/s/ Christopher Alberto
Christopher Alberto